

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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FAROUK SAMAROO,

Plaintiff,

- against -

GOVERNOR DAVID A. PATERSON, et al.,

Defendants.
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MATSUMOTO, United States District Judge:

By Order dated August 31, 2009, Magistrate Judge Lois Bloom ordered plaintiff to serve defendants with the summons and complaint by December 15, 2009.¹ (Doc. No. 9.) Plaintiff was advised that if service was not effected by that date, or if plaintiff failed to show cause why such service was not effected, Judge Bloom would recommend that this action be dismissed without prejudice. (See *id.*) Plaintiff has failed to file proof of service of the summons and complaint or show cause why service upon defendants has not been made. Accordingly, by Report and Recommendation dated January 14, 2010, a copy of which was mailed to plaintiff, Judge Bloom recommended that this action be dismissed without prejudice. (See Doc. No. 12, Report and Recommendation.) The Report and Recommendation provided that any objections be filed within 14 days of service. To

¹ Plaintiff voluntarily dismissed his claims against defendant Andrew Cuomo on August 20, 2009. (See Minute Entry dated Aug. 20, 2009.)

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date, no objections to the Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quotation omitted).

Upon a careful review of the history of this action and the Report and Recommendation, the court finds no clear error in the Report and Recommendation and adopts it as the opinion of the court. Accordingly, plaintiff's complaint is hereby dismissed without prejudice. The Clerk of the Court is respectfully directed to close this case and mail a copy of this Order to plaintiff.

SO ORDERED.

Dated: Brooklyn, New York
February 25, 2010



KIYO A. MATSUMOTO
United States District Judge
Eastern District of New York